

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Orlonzo Hedrington,

Plaintiff,

v.

David Grant Medical Center, et al.,

Defendants.

No. 2:22-cv-00074-KJM-DB

ORDER

Plaintiff Orolonzo Hedrington moves to alter or amend the judgment under Federal Rule of Civil Procedure 59(e). *See generally* Mot., ECF No. 78. “[A] Rule 59(e) motion is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Kaufmann v. Kijakazi*, 32 F.4th 843, 850 (9th Cir. 2022) (quoting *Wood v. Ryan*, 759 F.3d 1117, 1121 (9th Cir. 2014) (per curiam)). “A district court may grant a Rule 59(e) motion if it is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *Id.* (quoting *Wood*, 759 F.3d at 1121).

Hedrington contends the court clearly erred in applying Federal Rule of Civil Procedure 4(m), which sets a deadline for service of process. The complaint was not dismissed for failure to complete service, but rather because the complaint was filed after the statute of limitations had expired and did not state a claim on which relief could be granted under Rule 12(b)(6). *See* F&Rs at 4–7, *adopted in full*, ECF No. 74. Hedrington also argues new evidence and a fraud has come

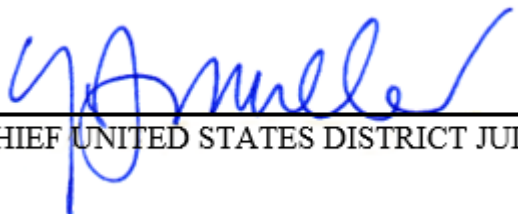
1 to light, but he does not explain why the evidence or the fraud shows the complaint should not
2 have been dismissed under Rule 12(b)(6). Nor does he show this evidence was previously
3 unavailable.

4 Finally, Hedrington requests relief under Rule 59(e) to prevent manifest injustice, in effect
5 asking the court to reconsider its decision not to recuse. *See* Order (July 5, 2023), ECF No. 71
6 (denying motion to recuse). The court perceives no error in its previous order and no manifest
7 injustice has resulted from that order.

8 The motion to alter or amend the judgment (ECF No. 78) is **denied**. Similar motions filed
9 in the future will be disregarded.

10 IT IS SO ORDERED.

11 DATED: October 17, 2023.

12 
CHIEF UNITED STATES DISTRICT JUDGE